



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# DAC

Applicant: WINTER ET AL. Examiner: K. ABDI  
Serial No.: 09/421,713 Group Art Unit: 3621  
Filed: OCTOBER 20, 1999 Docket: 8567.72US01  
Confirmation No.: 4525  
Due Date: MARCH 13, 2003  
Title: METHOD AND SYSTEM FOR FACILITATING, COORDINATING AND MANAGING A COMPETITIVE MARKETPLACE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, D.C. 20231 on December B, 2002.

By: Teresa D. Morgan

Name: Teresa D. Morgan

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Request To Withdraw Holding Of Abandonment, copy of Notice of Abandonment, and copy of Amendment documents
- ☒ Return postcard

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JAN 07 2003

GROUP 3000

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: Joshua N. Randall

Name: Joshua N. Randall

Reg. No.: 50,719

JRandall:PSTdm



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N 09/421,713

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WINTER ET AL. Examiner: K. ABDI #11 nLW  
Serial No.: 09/421,713 Group Art Unit: 3621  
Filed: OCTOBER 20, 1999 Docket No.: 8567.72US01  
Title: METHOD AND SYSTEM FOR FACILITATING, COORDINATING AND  
MANAGING A COMPETITIVE MARKETPLACE

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, D.C. 20231 on December 18, 2002.

By: Teresa D. MorganName: Teresa D. MorganREQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

**GROUP 3600**

This communication is in response to the Notice of Abandonment mailed November 19, 2002, citing Applicants' failure to respond to the Office Action mailed March 13, 2002 (copy of Notice enclosed). Applicants respectfully submit that the holding of abandonment is in error and withdrawal of the abandonment is requested.

Applicants responded to the Office Action mailed March 13, 2002 by filing an Amendment with a Request For Extension of Time and fee on September 13, 2002. A copy of the Amendment is submitted herewith along with a copy of the stamped return postcard showing the date received was September 23, 2002. In view of this evidence, Applicants request withdrawal of the holding of abandonment.

It is assumed that the petition fee of \$130.00 is not required in this case. However, if such fee is deemed to be required, it should be charged to the undersigned's Deposit Account No. 13-2725.

Respectfully submitted,

12/27/2002 CNGUYEN 00000079 132725 09421713  
01 FC:1460 130.00 CH

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

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DEC 30 2002

OFFICE OF PETITIONS

Date

12/18/02

Joshua N. Randall  
Joshua N. Randall  
Reg. No. 50,719  
JNR:PSTtdm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,713	10/20/1999	LARRY A. WINTER	8567.72US01 ✓	4525

23552 7590 11/19/2002  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

KDS

EXAMINER

ABDI, KAMBIZ

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/19/2002

Revival 6mo; March 13, 2003  
Final Revival; Sept 13, 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600



# **Notice of Abandonment**

Applicati n No.

09/421,713

Examiner

Kambiz Abdi

Applicant(s)

WINTER ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 March 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.  
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Based on contacting applicant's agent through the telephone on September 18, 2002 and the response by the agent of no interest by applicant on further continuing the prosecution of the application.

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JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: WINTER ET AL.

For: METHOD AND SYSTEM FOR FACILITATING, COORDINATING AND MANAGING A  
COMPETITIVE MARKETPLACE

Docket No.: 8567.72US01

Serial No.: 09/421,713

Filed: OCTOBER 20, 1999

Due Date: SEPTEMBER 13, 2002

Date Mailed: September 13, 2002

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment Including Version With Markings To Show Changes Made
- ☒ Request for Extension of Time for three month(s) and fee of \$920.00
- ☒ Return postcard

Patent



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**GROUP 3600**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WINTER ET AL. Examiner: K. ABDI  
Serial No.: 09/421,713 Group Art Unit: 2161  
Filed: OCTOBER 20, 1999 Docket: 8567.72US01  
Confirmation No.: 4525  
Due Date: SEPTEMBER 13, 2002  
Title: METHOD AND SYSTEM FOR FACILITATING, COORDINATING AND MANAGING A COMPETITIVE MARKETPLACE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, Washington, D.C. 20231 on September 13, 2002.

By:  
Name:

*Judith Tess*

Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment Including Version With Markings To Show Changes Made
- ☒ Request for Extension of Time for three month(s) and fee of \$920.00
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MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300



By:

*Joshua N. Randall*  
Name: Joshua N. Randall  
Reg. No.: 50,719  
JRandall:PSTjt

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GROUP 3600

Requestor:

Vendor # / Name: 1002 Director of the United States Patent and Trademark Office

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Check # 365204

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DATE

ACCT / DEPT#

MATTER #

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558775 jtess 09-10-02 265001 10100000 HARD DISB PAYABLE - (EXP G/L) 08567.0072US01 920.00

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A Professional Corporation  
An Intellectual Property Law Firm  
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Minneapolis, MN 55402-2215

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Billings, MT 59101

No. 365204

Check Date 09/10/2002

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Merchant &amp; Gould P.C.

Director of the United States Patent and Trademark Office



Two Signatures Required For Amounts Exceeding \$5,000

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"365204" 092905168 4990019218"